

## Non-TRS Workers (Contract Workers, Unpaid Interns and Volunteers)

### Purpose

TRS is committed to provide a safe and secure environment for employees, visitors, and the general public and to protect the TRS community and trust assets. As part of this effort, TRS will identify non-TRS workers who have access to TRS premises or resources with the procedures outlined below. Regardless of the level of access, all non-TRS workers must adhere to all applicable policies and procedures. The TRS contract worker coordinator in the Organizational Excellence Department (OE) will assist TRS managers and contract sponsors with maintaining the appropriate non-TRS worker relationships.

### Applies To

- TRS contract sponsors and managers
- non-TRS workers who are to have one or both of:
  - TRS user ID and password;
  - Unlimited security badge access for any length of time, or restricted security badge access lasting more than 14 calendar days.

### Definitions

**Contract sponsor:** The chief officer or TRS employee who is responsible for managing the purchasing and contracting process for the business area requesting the goods or services, and oversight of the non-TRS worker under the contract.

**Contractor:** A company, vendor, or other entity, including sub-contractors, providing goods and services, including consulting or professional services, specialized services, and temporary/staffing services. Contractors are engaged to perform specific functions or consulting services in a contractual relationship and for a defined period of time or until completion of work.

**Non-TRS worker:** An individual who provides services to TRS but is not a TRS employee and for whom TRS is not the employer of record. The three types of non-TRS workers are contract workers, unpaid interns, and volunteers.

**Contract worker:** An employee of a contractor, including secondees and independent contractors. For purposes of this policy, categories of service include:

**Consulting or professional services:** A contract worker required to perform services on TRS premises, remotely, or both, to fulfill the requirements of a contract with TRS. These contracts may include IT or automation-related projects or professional or consulting services. This type of contract worker typically provides specialized services related to investments, information technology, insurance, benefits, audit, or other TRS programs.

Outside legal counsel retained under and subject to an Outside Counsel Contract are excluded from this definition and this Policy.

Contract workers providing short-term or sporadic services will usually have limited access to TRS information resources and facilities, if any, as appropriate to the services required by the contract. Contract workers providing services over a longer duration or services requiring access to information resources may be issued TRS user IDs and passwords and may also have greater facility access. Depending upon the requirements of the contract, these individuals may have access to confidential or sensitive TRS information.

**Specialized service contracts:** A contractor providing operating services not typically performed by TRS staff. Services may be provided on a routine or as-needed basis. These contracts may include janitorial services, grounds keeping, plumbing, or other maintenance activities. The contractor may provide on-site supervision for its employees. In general, these individuals do not have access to TRS IT systems, have limited facility access, and may have only incidental access to confidential or sensitive TRS information.

**Temporary/Staff Augmentation/Contingent Worker services:** A contract worker assigned to TRS by a temporary services agency (such as Goodwill, Peak Performers, or a Department of Information Resource (DIR) contract). These individuals may have access to TRS IT systems and other information resources, have greater facility access, and may have access to confidential or sensitive TRS information.

**Unpaid intern:** An individual (frequently a student) who joins TRS for learning opportunities in his or her field of study. The intern receives no pay or benefits other than the knowledge and experience gained from the internship. These individuals may have access to TRS IT systems and other information resources, have greater facility access, and may have access to confidential or sensitive TRS information.

**Volunteer:** An individual who donates his or her time and expertise to TRS. Typically this includes speakers for TRS-related activities and other short-term engagements. In general, these individuals do not have access to TRS IT systems and other information resources, have limited facility access, and do not have access to confidential or sensitive TRS information.

**TRS Contract Worker Coordinator:** OE employee assigned responsibility for coordinating the use of non-TRS workers.

## General Statement

TRS may enlist the services of non-TRS workers to perform tasks necessary to accomplish the TRS mission. These workers may include individuals providing consulting or professional services, specialized services, temporary/staffing services, unpaid interns, and volunteers. These workers are not TRS employees and are not eligible for any state or TRS benefits, such as health benefits, retirement benefits, or paid leave.

- For contract workers, the contractors are the employers of record and are responsible for all pay, benefits, taxes, and compliance with applicable employment laws (including FMLA, FLSA, unemployment, and workers' compensation).
- Unpaid interns and volunteers receive no pay or benefits. To ensure compliance with statutory and agency specific requirements, OE must be contacted before an unpaid intern or volunteer is allowed on TRS premises.

The TRS contract worker coordinator will work with the TRS contract sponsor and the non-TRS worker to ensure compliance with required training and documentation prior to providing services to TRS.

## TRS Staff and Non-TRS Worker Relationship

Non-TRS workers must maintain their independence.

- If TRS managers and contract sponsors have any concerns or problems with a non-TRS worker's contract performance or compliance with TRS policies, they should report these concerns to TRS purchasing staff, the funding entity, or the non-TRS worker's employer, as appropriate.
- Non-TRS workers may not identify or represent themselves as a TRS employee. Non-TRS workers shall clearly identify themselves as contractors on any TRS business cards nameplates, and email signatures.
- Non-TRS workers are not authorized to speak on behalf of TRS, outside of the specific terms of the contract as applicable.
- A non-TRS worker's work hours and attendance should be detailed and addressed through the contract and the non-TRS worker's employer. Other than verifying or approving timesheets as required by the contract, TRS staff may not participate in management of any individual non-TRS worker's hours, leave, or attendance.
- Non-TRS workers shall not have access to the TRS fitness room, wellness programs and other activities specific to TRS employees. Before inviting a non-TRS worker to a TRS event, management should carefully consider such questions as to whether the activity falls within the scope of the contract, benefits TRS, and does not interfere with the non-TRS worker's independence as to their performance of the required services.

## Background Checks for Non-TRS Workers

Non-TRS workers are subject to the provisions of the [TRS Background Check policy](#) as part of their contract. TRS will conduct the criminal background check (CBC), subject to reimbursement of fees from the contractor in accordance with the contract terms. The TRS contract worker coordinator will coordinate onboarding compliance with the non-TRS worker and their employer. The background check must be completed before a non-TRS worker's access to TRS information resources or premises is authorized, and before the non-TRS worker will be permitted to begin contract work.

## Compliance with TRS Worksite Policies

Non-TRS workers are subject to applicable TRS policies, such as:

- Code of Ethics for Contractors,
- Confidentiality Policy and Procedures,
- Employee Ethics Policy (addressing ethics rules applicable to non-TRS workers in addition to TRS employees),
- Social Media Policy,
- TRS Personal Trading Policy,
- Fraud, Waste and Abuse Policy, and
- Information Security Policy and Manual.

Non-TRS workers are required to complete training on these policies. The Executive Director may grant a waiver from training requirements for individual non-TRS workers where there are other appropriate controls in place to address TRS policy concerns otherwise addressed by training. This determination will be made on a case-by-case basis with consultation from OE and the Chief Compliance Officer. The waiver and supporting rationale must be documented. The waiver must be requested and granted prior to the deadline for completing mandatory training courses.

Additionally, non-TRS workers who are performing their contract obligations at TRS locations are expected to respect TRS workplace rules and policies, as summarized below. Non-TRS workers should direct questions about these workplace rules and policies to their employer, the TRS contract worker coordinator, or the TRS contract sponsor. For more information, links to related TRS policies can be found on the TRS Intranet.

The TRS department managers or contract sponsors are responsible for working with the TRS contract worker coordinator to ensure that non-TRS workers are oriented to applicable TRS policies and procedures, and that the non-TRS workers acknowledge the policies as required. The contract sponsor is responsible for addressing records management issues as applicable to the non-TRS worker's assignment. On the first day of work, the TRS department manager or contract sponsor must work with the TRS contract worker coordinator to ensure that the non-TRS worker has signed the non-TRS-Worker Acknowledgements form (PER61).

Non-TRS workers who perform their contract obligations on TRS premises are expected to respect TRS workplace rules and policies. Policies applicable to worksite standards of conduct include:

- **Alcohol and Drug-Free Workplace:** Non-TRS workers are expected to refrain from consuming alcohol on TRS property or reporting to work at TRS under the influence of any controlled substance or alcohol.
- **Business Casual Dress Code Policy:** While non-TRS workers are not bound by the TRS dress code, they are expected to maintain appropriate attire when working at TRS premises.
- **Business Continuity Management Policy:** While working at TRS premises, non-TRS workers may be required to participate in emergency drills.
- **Service Animals:** Animals, other than service animals, are prohibited from TRS premises.

- **Smoke-Free Workplace:** Smoking is prohibited at all times inside TRS worksites. There are designated smoking areas at the Red River East building, or outside TRS buildings at least 15 feet away from entrances.

Additionally, non-TRS workers are expected to adhere to TRS policies with respect to proper management of business risk and record retention as appropriate to their contract engagement. These policies include:

- **Enterprise Risk Management Policy:** Non-TRS workers with access to TRS information systems and/or physical access are expected to comply with the risk management process and internal controls applicable to their contract duties. The TRS contract sponsor will ensure the non-TRS worker is informed of specific applicable internal control procedures, as appropriate.
- **Records Management Program:** Non-TRS workers are expected to comply with the retention and filing plan for TRS records they create or maintain in the course of their contract engagement. The TRS contract sponsor will ensure the non-TRS worker is informed of specific applicable record retention plans, as appropriate.
- **Emergency Office Closures:** Non-TRS workers are expected to comply with the TRS policy concerning business operations during inclement weather and other emergency office closures, as applicable.

TRS is committed to maintaining a work environment free of harassment and discrimination, and will take prompt, remedial action as required to stop inappropriate conduct that might lead to such claims. Similarly, TRS does not tolerate threats or acts of violence in the workplace.

If a non-TRS worker believes he or she has been subjected to harassment, discrimination, or other prohibited conduct while on TRS premises, he or she must report it immediately to their employer. If a non-TRS worker engages in such prohibited conduct, TRS will take measures to stop the conduct, up to and including asking the non-TRS worker to leave TRS premises, referring the matter to the non-TRS worker's employer, or terminating the contract engagement in accordance with contract terms.

## Conclusion of Service

Contractors must inform the contract sponsor when any individual non-TRS worker ceases working on TRS matters or terminates employment with the Contractor to enable TRS to terminate the non-TRS worker's access to TRS information resources or premises and complete the non-TRS worker exit procedure as applicable. TRS managers and contract sponsors must inform the TRS contract worker coordinator and Information Security when a non-TRS worker concludes their assignment or takes extended leave, in order to disable login and badge access. The TRS contract sponsor is responsible for completing the exit procedures upon the conclusion or termination of a non-TRS worker's engagement.

## Contract Sponsor Responsibilities

Contract Sponsors are responsible for following Non-TRS Worker Intake and Exit Procedure, including providing all required documentation to the TRS contract worker coordinator in a timely manner.

The TRS contract worker coordinator will maintain the TRS records regarding non-TRS workers, including pertinent information and applicable documents as detailed in Non-TRS Worker Intake and Exit Procedure and any waiver documentation.

## Corrective Action

### Employees

Violation of this policy may be grounds for corrective action, up to and including termination of employment.

### Non-TRS Workers

Violation of this policy may result in notification to the contractor that the non-TRS worker may no longer provide services to TRS or in termination of an internship, as applicable.

*This policy does not constitute a contract, a promise or guarantee of employment, or a guarantee of access to TRS premises or information resources, as applicable, and may be modified, superseded, or eliminated by TRS without notice to the employee.*